

Message Text

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ACTION SCI-06

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FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC IMMEDIATE 4635

AMEMBASSY MADRID IMMEDIATE

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LIMITED OFFICIAL USE IAEA VIENNA 5743

E. O. 11652: N/A

TAGS: IAEA TECH SP

SUBJECT: TRILATERAL SAFEGUARDS AGREEMENT WITH SPAIN

REF: MADRID 4042

GQM GOS OFFICIALS APPARENTLY ARE OVERLOOKING FACT THAT EXISTING TRILATERAL SAFEGUARDS AGREEMENT, WHICH IS TIED TO EXISTING US/SPAIN BILATERAL AGREEMENT FOR COOPERATION, WOULD TERMINATE UPON ENTRY INTO FORCE OF NEW US/SPANISH BILATERAL OF MARCH 20, 1974, UNLESS AMENDMENT RECENTLY APPROVED BY IAEA BOARD OF GOVERNORS IS SIGNED BEFORE SUCH ENTRY INTO FORCE. WITH TERMINATION OF TRILATERAL SAFEGUARDS AGREEMENT, THEREFORE, AND, EXCEPT FOR CONTINUED SAFEGUARDS ON PRODUCED MATERIAL PER LAST SENTENCE OF SECTION GE1 OF TRILATERAL, AGENCY WOULD HAVE NO BASIS FOR SAFEGUARDING ANYTHING IN SPAIN, NOTWITHSTANDING LANGUAGE IN PARAS A AND B OF ARTICLE XII OF US/SPAIN BILATERAL

OF MARCH 20, 1974.

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2. FOR FURTHER BACKGROUND, SECTION 31 OF EXISTING TRILATERAL

SAFEGUARDS AGREEMENT STATES THAT "THIS AGREEMENT SHALL REMAIN IN FORCE DURING THE TERM OF THE AGREEMENT FOR COOPERATION . . . " ETC. SECTION 1(C) OF TRILATERAL FURTHER DEFINES AGREEMENT FOR COOPERATION AS THAT AGREEMENT BETWEEN THE US AND SPAIN SIGNED ON AUGUST 16, 1957, AS AMENDED ON NOVEMBER 29, 1965. THIS AGREEMENT FOR COOPERATION WILL BE SUPERSEDED AND, IN EFFECT, "DISAPPEAR" WHEN NEW BILATERAL OF MARCH 20, 1974, IS BROUGHT INTO FORCE, AND, BECAUSE OF FORGOING LANGUAGE, TRILATERAL WOULD TERMINATE AT THAT TIME. THIS WAS PRIMARY REASON FOR NEED TO AMEND TRILATERAL SAFEGUARDS AGREEMENT, I.E., TO PREVENT ITS TERMINATION.

3. IF APPROVAL CAN BE OBTAINED AT TOMORROW'S SESSION OF CABINET FOR AUTHORIZATION TO SIGN TRILATERAL AMENDMENT, AND IF SPANISH CHARGE' IN VIENNA CAN BE SO INFORMED PROMPTLY, WE BELIEVE AMENDMENT COULD BE SIGNED TOMORROW AFTERNOON. BELIEVE EVERY EFFORT SHOULD BE MADE TO ENABLE AMENDMENT TO BE SIGNED AT THAT TIME, SINCE WE ARE NOT CERTAIN ARRANGEMENTS COULD BE MADE FOR SIGNATURE DURING WEEKEND. PORTER

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